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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,346	07/07/1999	DAVID JOHN STACEY		6530

7590

08/26/2002

WILLIAM M. LEE JR.  
LEE, MANN, SMITH, MCWILLIAMS,  
SWEENEY & OHLSON  
POST OFFICE BOX 2786  
CHICAGO, IL 606902786

EXAMINER

ABELSON, RONALD B

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/349,346

Applicant(s)

STACEY ET AL.

Examiner

Ronald Abelson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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*Claim Objections*

1. Claim 4 is objected to because of the following informalities: The sentence does not end with a period. Appropriate correction is required.

*Specification*

1. The disclosure is objected to because of the following informalities: On page 7 line 6, the reverse channel map is referred to as element 53, but in fig. 2 it is element 53. On page 7 line 14, the connection control process is referred to as element 55, but in fig. 2 it is element 2.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 9, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Quay (US 6,115,360).

Regarding claims 1, 9, and 17, Quay teaches a method and apparatus for interfacing frame-based telecommunications from a frame-based network (Sonet, fig. 2 box 20, col. 5 lines 32 - 46) to an asynchronous network (fig. 1 box 5,8, col. 4 lines 15 - 32), the method comprising mapping the frame-based traffic into cells or packets (fig. 1 box 5), and scheduling the dispatch of the cells into the asynchronous network at a substantially constant rate (stores indicators regarding the various cell rates, fig. 2 box 14, col. 6 lines 3 - 18).

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quay.

Regarding claims 2 and 10, it is well known in the art that Sonet supports a variety of data structures that transmit at various rates

In addition to the limitations listed in claim 1, Quay teaches issuing credits at a substantially constant rate (col. 7 lines 12 - 30).

Regarding the limitation, assigning the credits to each data structure according to the size of the data structure. Quay teaches assigning credit based upon the allowed cell rate (col. 11 line 59 - col. 12 line 9, col. 15 lines 12 - 20). Likewise, the applicant teaches credits are issued to each data structure

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in proportion to that structure's rate of data generation (spec: pg. 6 lines 33-34).

The limitations determining for each data structure a threshold number of assigned credits / desired bit rate and when a threshold value is reached / desired bit rate, assembling the data structure into cells for dispatching into the asynchronous network (fig. 2 box 12, col. 2 lines 45 - 55).

Regarding claims 3 and 11, credits are assigned via a connection control (fig. 2 box 14, col. 7 lines 11 - 30).

#### Allowable Subject Matter

6. Claims 4-8 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 4 and 12, nothing in the prior art teaches or fairly suggests writing the identity of the data structure into free locations in a reverse channel map, in combination with the other limitations listed in the claim.

**Conclusion**

8. The prior art is of record but not relied upon in the office action.

Ellis: US Patent 6,256,292, teaches Sonet supports multiple data structures (col. 1 lines 15 - 26).

Newton: pg. 66-67, 261, 324-325, 693, and 731).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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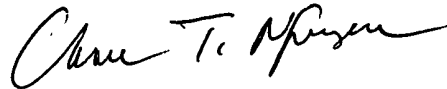


Ronald Abelson  
Examiner  
Art Unit 2663



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August 22, 2002



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600